

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**CITIGROUP MORTGAGE LOAN TRUST INC.
ASSET-BACKED PASS-THROUGH
CERTIFICATES, SERIES 2007-AMC2, U.S.
BANK NATIONAL ASSOCIATION, AS
TRUSTEE**

Plaintiff,

-against-

**John Barry, Jr.; Mrs. John Barry, Jr. His Wife;
Marie A. Barry; John Wesley Barry; Prosperity
United Trust; UNITED STATES OF AMERICA;
OCEAN MEDICAL CENTER; AMERICAN
EXPRESS NATIONAL BANK and STATE OF
NEW JERSEY,**

Defendant(s).

Case No.: _____ ()

**NOTICE OF REMOVAL
TO FEDERAL COURT
PURSUANT TO
28 U.S.C. §§ 1441 & 1446**

**[PREVIOUSLY PENDING IN THE
SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION FOR
BURLINGTON COUNTY
DOCKET NO.: F-020437-19]**

JANUARY 21, 2020

R E C E I V E D

JAN 21 2020

**AT 8:30 _____ M
WILLIAM T. WALSH
CLERK**

**TO: CHIEF JUDGE AND JUDGES OF THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**ON NOTICE TO: Clerk of the Court, Law Division
Superior Court of New Jersey, Burlington County
49 Rancocas Road
Mt. Holly, New Jersey
Attn.: Michelle M. Smith**

**STERN LAVINTHAL & FRANKENBERG, LLC
105 Eisenhower Parkway, Suite 302
Roseland, New Jersey 07068
Attorneys for Plaintiff
Attn.: Djibril Carr, Esq.**

PLEASE TAKE NOTICE that the purported Defendant(s) hereby give timely notice of removal of the above captioned action from the Superior Court of New Jersey, Chancery Division for Burlington County to the District Court for the United States of America in the

District of New Jersey pursuant to 28 U.S.C. §§ 1441 & 1446, and in accordance with 28 U.S.C. §§ 1331 & 1332, for a federal question and diversity of citizenship.

In support of this Notice of Removal, the purported Defendant(s) state:

1. The purported Plaintiff, CITIGROUP MORTGAGE LOAN TRUST INC. ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2007-AMC2, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE is a corporation governed under New York State Trust Law that is located at 390 Greenwich Street, New York, New York 10013, United States.
2. The purported Defendant(s) are domiciled at 232 Amherst Avenue, Pemberton, New Jersey, Zip Exempt.
3. The purported Plaintiff filed this action on December 19th, 2019.
4. The purported Defendant(s) did not receive service of process of this action until December 27, 2019.
5. The purported Plaintiff's Complaint asserts that Defendant(s) are in default of a Mortgage that they are entitled to enforce as Holder-in-Due Course.
6. The purported Defendant(s) have self-authenticating proof that the purported Mortgage was satisfied and lawfully conveyed into an irrevocable pure Trust that is managed and controlled by members of their family and is not under any obligation for any unsettled claim to the purported Plaintiff.
7. The purported Defendant(s) verifiably submit that the purported Plaintiff's claims asserted in their foreclosure Complaint are frivolous. Attached hereto as Exhibit "A" are the purported Defendant(s) self-authenticating proof that the Mortgage Note was satisfied and the Mortgage Release letter from the purported Mortgagee confirming

the satisfaction of said Mortgage dated April 30th, 2019, several months before the filing of this action.

8. The purported Defendant(s) respectfully submit that because the unenforceable claims made by the purported Plaintiff are frivolous, and names the UNITED STATES as a Defendant, the purported Defendant(s) hereby remove this action from the State Court to the District for the United States of America in the District of New Jersey.
9. The purported Defendant(s) further submit that they will not implement any of the causes of action that are the subject of the purported Plaintiff's Complaint as grounds for federal jurisdiction, as it is our contention that those causes of action are moot.
10. The purported Defendant(s) affirmatively assert that the subject matter of this Removal is integral to genuine issues of material facts that go to a federal question and diversity citizenship jurisdictional authority.
11. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings and Orders served upon Defendant(s) and/or filed in the State Court Action are attached to this Notice as Exhibit "B".
12. Under New Jersey Civil Practice Rules, the purported Defendant(s) have until January 21, 2020 to answer, move to dismiss or otherwise respond to the Complaint. As a result, none of the Defendant's time to respond to the Complaint has expired.
13. The purported Defendant(s) expressly reserve their rights under Fed. R. civ. P. 81 to hereafter answer or present other defenses or objections in accordance with the Federal Rules of Civil Procedure (FRCP).

14. Pursuant to 28 U.S.C. § 1446(b), a Notice of Removal must be filed within thirty (30) days of service of the Complaint. Because the purported Defendant(s) were served December 27, 2019, and this Notice of Removal is being filed January 21, 2020, therefore, it is timely.
15. Concurrent with the filing of this Notice, and in accordance with 28 U.S.C. § 1446(d), the purported Defendant(s) are serving this Notice on the purported Plaintiff's Counsel and filing a copy of the Notice with the Clerk of the Superior Court of New Jersey, Chancery Division for Burlington County, along with a Notice of Notice of Removal, in the form attached as Exhibit "C".
16. Each of the purported Defendant(s) who are natural men/women on the land join in and consent to the removal of this action.
17. The United States District Court for the District of New Jersey includes Burlington County, where the State Court Action is now pending. Venue is therefore proper for this Notice of Removal under 28 U.S.C. §§ 110 & 1446(a).

Removal is Proper Because This Court Has Original Jurisdiction

18. Pursuant to 28 U.S.C. § 1441, "any civil action brought in a State Court of which the District Courts of the United States have original jurisdiction, may be removed by the Defendant or the Defendants, to the District Court of the United States for the District and division embracing the place where such action is pending."
19. Because this Court has original subject matter jurisdiction over this action, Defendant(s) may remove this action pursuant to 28 U.S.C. §§ 1441(a) & 1446.
20. The purported Plaintiff's Complaint asserts claims that are in violation of the Fair Debt Collections Practices Act, Title 15 U.S.C. § 1692, et. seq., the Consumer

Financial Protection Bureau's regulations, Real Estate Settlement Procedures Act, title 12 U.S.C. §§ 2601-2617, among a few of the federal laws which will be brought into question in this action.

21. As a result of the foregoing jurisdictional assertions, the purported Defendant(s) respectfully invoke protection of rights accorded to them under the Constitution for the United States of America, positive Public Laws, or treaties where the Organic United States has original jurisdiction over this action.
22. This Court also has original jurisdiction over the subject matter of this case pursuant to 28 U.S.C. §§ 1331, 1332 & 1367 for supplemental jurisdiction over state claims that are so related to Plaintiff's foreclosure Complaint that form a part of the purported Defendant's federal law claims as a part of the same case or controversy.
23. No admission of fact, law or liability is intended by the filing of this Notice of Removal. The purported Defendant(s) hereby preserve all defenses, objections and/or motions available under State and/or federal law.


CONCLUSION

WHEREFORE, pursuant to 28 U.S.C. §§ 1441 & 1446, and in accordance with 28 U.S.C. §§ 1331, 1332 & 1367, the purported Defendant(s) respectfully remove the above-captioned civil action, which is currently pending in the Superior Court in New Jersey, Burlington County, to the District Court for the United States of America in the District of New Jersey, and requests that all further proceedings be conducted in this Court as provided for by law.

Date: New Jersey State
January 21, 2020.

All Rights Explicitly Reserved
Per U.C.C. § 1-308


Respectfully,


John Wesley Barry,
In propria persona, sui juris
~~1822 Chambers Avenue~~ PO Box 103
Pemberton, New Jersey
[Zip Exempt]

CERTIFICATE OF SERVICE

I, John Wesley Barry, hereby certify that on January 21, 2020, I sent a true and correct copy of the foregoing Notice of Filing the Notice of Removal to the federal District Court for New Jersey State via first class United States Post Office mail to the following:

STERN LAVINTHAL & FRANKENBERG, LLC
105 Eisenhower Parkway, Suite 302
Roseland, New Jersey 07068

 UCC-308
John Wesley Barry w/o prejudice